IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 27119 of 1996

Between:

Y. Venkat Rao, s/o. Venkatratnam, Siriwada Pacs, Krishna, R/o. 54-13-8, Srinivasanagar Bank
Colony - III Vijayawada - 8

..... PETITIONER

AND

1 The General Manager, the Krishna District , Co-operative Central Bank Ltd., Krishna at Machilipatnam.
2 The President, Peddaparupudi, P.A.C.S., Peddaparupudi (v) and Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction particularly one in the nature of writ of Mandamus, declaring the impugned action of the respondents here in not paying the back wages to the petitioner from 2-3-1982 to 6-5-1991 as illegal, arbitrary void ab-initio besides of natural justice and Articles 14 and 21 of the Constitution of India, and may be further directed the respondents to pay full back wages to the petitioner during the period of suspension i.e. 2-3-1982 to 6-5-1991.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondents: MR.B.ADINARAYANA RAO

The Court made the following :

-

-

-

-

ORDER:

Heard both sides.

The petitioner who has been paid secretary in the second respondent herein, filed this Writ Petition, inter alia, seeking mandamus for declaration that the action of the respondents in not paying the entire back wages to him for the period commencing form 2.3.1982 to 6.5.1991 as illegal.

The facts in brief, which require for disposal of this Writ Petition are that subsequent to the appointment, the petitioner was suspended by the first respondent as per the proceedings dated 2.3.1982 and thereafter, taking into consideration the amount involved has already been paid, subsequently he has been reinstated on 6.5.1995 and since then he has been working as such. The case of the petitioner is that having regard to the fact that the entire charges have gone and there being no such allegation on him and no orders have been passed with regard to the said period, he is entitled for the benefits including arrears. It is submitted that though the

petitioner made a request, the same has not acceded to by the respondents. Hence, the present Writ Petition.

The learned counsel appearing for the second respondent submits that no liability can be fastened against him because at the time when the petitioner was suspended, another paid secretary was appointed and they paid salary to him.

Having considered the submissions and also on perusal of the material on record, the question that calls for consideration is whether the petitioner is entitled to arrears of salary and other benefits for the periods from 2.3.1982 to 6.5.1991. There is no dispute with regard to the fact that the petitioner was an employee of the second respondent and he has been suspended on certain allegations on 2.3.1982. Subsequently, the petitioner has paid the entire amount and thereafter, all the charges were dropped and no enquiry was conducted nor any finding is given against the petitioner about his involvement or fixing any liability as such under any of the provisions of A.P. Cooperative Societies Act, and subsequently, the petitioner was reinstated on 6.5.1991. Therefore, there is no justification on the part of the respondents to withhold the arrears of salary along with all other benefits. However, having regard to the fact that the petitioner did not approach the respondents prior to filing of this Writ Petition, it is felt desirable that the petitioner should file comprehensive representation to the respondents and the same can be decided on merits in accordance with law and pass appropriate orders.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to file a representation before the first respondent with a copy to the second respondent, within a period of four weeks form today and on receipt of such representation, the first respondent shall pass appropriate orders in accordance with law after giving an opportunity to the petitioner within a period of two months thereafter. No costs.

_____

B. Prakash Rao, J

2nd December, 2004

ka

To

1 The General Manager, the Krishna District , Co-operative Central Bank Ltd., Krishna at Machilipatnam.
2 The President, Peddaparupudi, P.A.C.S., Peddaparupudi (v) and Mandal, Krishna District.

4 Two CD Copies